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The rule of law at the national and international levels

Strengthening and coordinating United Nations rule of law activities

Report of the Secretary-General

Summary

The present report is submitted pursuant to General Assembly resolution 69/123. It highlights United Nations rule of law developments and activities at the national and international levels over the past year, and includes illustrative examples of the broad range of work covered by the United Nations entities that are members of the Rule of Law Coordination and Resource Group. The report emphasizes developments related to the role of multilateral treaty processes in promoting and advancing the rule of law, the subtopic chosen for consideration at the seventieth session of the General Assembly under agenda item entitled "The rule of law at the national and international levels". Pursuant to paragraph 15 of resolution 69/123, the report includes an analytical summary of the thematic debates on the rule of law held at the sixty-first to the sixty-eighth sessions of the General Assembly.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 69/123. It contains information on the work of the Rule of Law Coordination and Resource Group, its members, and the Rule of Law Unit. Pursuant to paragraph 15 of the resolution, an analytical summary of the thematic debates on the rule of law held from 2007 to 2013 is annexed to the report.

II. Promotion of the rule of law at the international level

A. The role of multilateral treaty processes in promoting and advancing the rule of law

2. From the outset of their work at the Organization, Member States have emphasized the crucial importance of a comprehensive and robust international legal framework, notably based on treaties, as a mechanism to effectively support the rule of law. This commitment to the establishment of just and equitable global norms is, in part, reflected in the Preamble to the Charter of the United Nations, which underlines the collective resolve of all nations "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained".

3. In considering the subtopic "The role of multilateral treaty processes in promoting and advancing the rule of law", the General Assembly returns to an issue that it specifically addressed from 1977 to 1984, under the agenda item entitled "Review of the multilateral treaty-making process". The General Assembly also considered this theme in the context of the United Nations Decade of International Law, from 1990 to 1999. In 1999, the Assembly decided to continue considering developments in the progress made in the implementation of the purposes of the Decade beyond its conclusion, in the framework of the agenda item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law".

4. Multilateral treaty processes convened by the General Assembly have played an essential role in the implementation of the Organization's mandate. The Assembly has conducted studies in the progressive development of international law and its codification pursuant to Article 13 (1)(a) of the Charter. It has also regularly conducted negotiations, convened conferences of plenipotentiaries and adopted new treaties to address the continually evolving challenges faced by the global community, thus making a fundamental contribution to the establishment of a solid multilateral treaty framework.

Recent developments in multilateral treaty processes

5. Multilateral treaty processes have continuously evolved to respond to the transformations of the international community and the needs of an ever more globalized world. The number of multilateral treaties has grown exponentially. To date, the Secretary-General is the depositary of more than 560 multilateral treaties concluded under the auspices of the United Nations and processes over 900 treaty actions per year received from States and international organizations.

6. The actors involved in multilateral treaty processes have also multiplied. The membership of the United Nations has increased, giving rise to considerations of inclusiveness, openness and transparency in the negotiating processes. Many contemporary treaty-making processes are increasingly open to international organizations, which presents new challenges with respect to treaty negotiation and participation. In parallel, the specialization of the domains of treaty regulation has implied that the negotiators themselves have diversified. The conduct of negotiations is often entrusted primarily to experts, with the consequence that general issues of the law of treaties are not always given adequate time and consideration in the debates. In addition, non-governmental actors (such as civil society organizations or the private sector) are playing an increasing role in treaty processes.

7. The complexity of multilateral treaty processes has also increased through the proliferation of institutional structures created by multilateral treaties (such as conferences or meetings of the parties, treaty secretariats or other bodies) and their growing role in treaty-making. This trend has given rise to a number of issues relating to the status and mandate of these institutional structures and their involvement in the interpretation and application of treaties. Additionally, closer coordination on legal matters between such institutions and other concerned entities (including depositaries) has been needed.

8. To respond to the changing needs of international cooperation, final clauses of multilateral treaties have become more elaborate, resulting in new developments in the field of depositary practice. As a result, the Secretariat has received a growing number of requests for advice from Member States, United Nations entities and treaty bodies regarding the drafting of final clauses, with such assistance sought at an increasingly early stage in the treaty-making process.

Activities of the Secretariat in respect of multilateral treaty processes

9. The work of the Secretariat reflects the significant evolution of multilateral treaty processes. This is particularly apparent in the discharge by the Office of Legal Affairs of the functions of the Secretary-General as depositary of multilateral treaties and their registration and publication in accordance with Article 102 of the Charter. The Office also performs a number of relevant activities in the area of promotion of participation in multilateral treaties, capacity-building and support to the Sixth Committee and other bodies.

10. With respect to the depositary and registration functions, the working methods of the Office of Legal Affairs have been enhanced through the increased use of information technology. Since 2010, depositary notifications and monthly statements of registered treaties are circulated exclusively by electronic means and are published online in the United Nations treaties website (https://treaties.un.org), which contains over 250,000 entries and is consulted approximately 300,000 times per month. This website is updated daily and remains in continuous development to ensure its adaptation to new technologies.

11. The work of the Office of Legal Affairs in relation to the registration and publication functions under Article 102 of the Charter has steadily increased, with an average of over 2,400 treaties and treaty actions submitted for registration each year. The Office exercises these functions in accordance with the regulations

adopted by the Assembly in 1946 to give effect to Article 102.[1] These regulations have occasionally been amended, but no comprehensive review has been undertaken since their adoption.

12. With the aim of promoting participation of States in the multilateral treaty framework, the Secretary-General has held, since 2000, a high-level annual treaty event, in conjunction with the general debate of the General Assembly, during which States are invited to join treaties deposited with him. These events have proven a successful catalyst of treaty participation, triggering a total of almost 2,000 actions (81 actions were completed by 52 States at the 2014 treaty event). In partnership with sponsor Governments, international organizations, treaty secretariats and other United Nations offices, the Office of Legal Affairs has further organized treaty events to enhance participation in specific multilateral treaties deposited with the Secretary-General.

13. In the area of capacity-building, the Office of Legal Affairs is responsible for the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. This involves the management of the United Nations Audiovisual Library of International Law, including historic archives, a lecture series and a research library. Office of Legal Affairs has continued to organize face-to-face training programmes on a broad range of core subjects of international law for qualified professionals from developing countries and countries with emerging economies. Office of Legal Affairs also organizes workshops on the law of treaties and treaty practice, both at Headquarters and at the regional level, in partnership with relevant treaty secretariats and other offices of the United Nations. It prepares training materials and publications on the law of treaties mandated by the Assembly. These include the *Summary of Practice of the Secretary-General as Depositary of Multilateral Treaties*, the *Handbook of Final Clauses of Multilateral Treaties* and the *Treaty Handbook*, available in all official languages.

Highlights of the development and promotion of the international framework of norms and standards

14. In the area of the law of the sea, one additional State became party to the United Nations Convention on the Law of the Sea, increasing the number of parties to 167. Two States expressed their consent to be bound by the Agreement relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea, bringing the total number of parties to 147. One State became party to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, bringing the total number of parties to 82.

15. On 19 June 2015, the General Assembly adopted resolution 69/292 on the development of an international legally binding instrument under the Convention on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction. The resolution provides for the establishment of a preparatory committee which will make substantive recommendations to the Assembly on the

[1] See resolution 97 (1) of 14 December 1946, as modified by resolutions 364 B (IV) of 1 December 1949, 482 (V) of 12 December 1950 and 33/141 A of 18 December 1978. See also resolution 52/153 of 15 December 1997.

elements of a draft text of an international legally binding instrument. Future negotiations are expected to address marine genetic resources, including questions concerning the sharing of benefits; measures such as area-based management tools, including marine protected areas; environmental impact assessments; and capacity-building and the transfer of marine technology. The preparatory committee will be convened in 2016 and 2017. Taking into account the report of the preparatory committee, the Assembly will decide on the convening and on the starting date of an intergovernmental conference under the auspices of the United Nations.

16. By its resolution 69/116, the General Assembly adopted the United Nations Convention on Transparency in Treaty-based Investor-State Arbitration. By virtue of the Convention, parties to investment treaties concluded before 1 April 2014 express their consent to apply the 2013 United Nations Commission on International Trade Law (UNCITRAL) Rules on Transparency in Treaty-based Investor-State Arbitration to disputes arising under the existing 3,000 bilateral and multilateral investment treaties currently in force.

17. The UNCITRAL secretariat has continued organizing capacity development and training activities and assisting States with the drafting of national legislation on international commercial law matters. Training and capacity-building seminars in the area of alternative dispute resolution were organized at the regional level in cooperation with regional organizations, such as the Organization for the Harmonization of Business Law in Africa and the Economic Cooperation Organization for countries of West and Central Asia.

18. There have been 37 new ratifications across 10 of the core human rights treaties and their optional protocols since 25 July 2014 (see http://indicators.ohchr.org/). Examples include seven new ratifications of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. To date, the Optional Protocol has 129 signatories and 159 parties. Since 2011, there have been an unprecedented 46 accessions to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness and one accession to the 1951 Convention relating to the Status of Refugees. December 2014 marked the second anniversary of the entry into force of the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention); as at January 2015, 39 States were signatories to the Convention, while 22 had ratified it.

19. In relation to the work of the human rights treaty bodies, notable developments include the adoption of a joint general recommendation on harmful practices by the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child,[2] which provides guidance on the obligations of States to prevent and eliminate harmful practices inflicted on women and girls. The Committee on the Elimination of Discrimination against Women also adopted general recommendation No. 32 on the gender dimensions of refugee status, asylum, nationality and statelessness. The Human Rights Committee adopted General Comment No. 35 on the right to liberty and security of person, codifying the work of the Committee on this issue during the last three decades.

[2] General recommendation No. 31 of the Committee on the Elimination of Discrimination against Women and No. 18 of the Committee on the Rights of the Child.

20. In the area of transnational crime, six States became parties to the United Nations Convention against Transnational Organized Crime; three States became parties to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children; three States became parties to the Protocol against the Smuggling of Migrants by Land, Sea and Air; and four States became parties to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition. There were 29 additional ratifications to the 19 international conventions and protocols related to terrorism. Since mid-2014, three additional States have become parties to the United Nations Convention against Corruption, bringing the number of States which have ratified or acceded to it to 174.

B. International courts and tribunals

21. The peaceful settlement of international disputes is foundational to the functioning of the international system. It predates the establishment of the United Nations, and is essential to the maintenance of international peace and security. Ensuring access by Member States to the mechanisms of the peaceful settlement of international disputes is a key element in promoting the rule of law at the international level.

22. The International Court of Justice, the principal judicial organ of the United Nations, plays a key role in the United Nations rule of law architecture. During the reporting period, the Court issued an important Judgment in the *Application of the Convention on the Prevention and Punishment of the Crime of Genocide (Croatia v. Serbia)* case and continued proceedings on other contentious cases. As at 10 July 2015, there were 12 cases on the list of pending cases before the Court. The campaign of the Secretary-General to increase acceptance of the compulsory jurisdiction of the Court continues to bring attention to the Court's special role in international dispute resolution.

23. On 5 April 2015, for the first time in the history of the International Tribunal for the Law of the Sea, an advisory opinion was delivered by the full Tribunal. It concerned the obligations and liability of flag States regarding illegal, unreported and unregulated fishing activities in the exclusive economic zone of the member States of the Sub-Regional Fisheries Commission. In addition, a Special Chamber within the Tribunal was established in January 2015 for the delimitation of the maritime boundary between Ghana and Côte d'Ivoire.

C. International and hybrid criminal courts and tribunals

24. At the conclusion of the reporting period, the International Tribunal for the Former Yugoslavia remained seized of three appeals and continued four trials of senior political and military figures: Messrs. Hadžić, Karadžić, Mladić and Šešelj. Judgment against Radovan Karadžič is scheduled for delivery this fall. The International Criminal Tribunal for Rwanda, having commemorated 20 years since its establishment by the Security Council in November 1994, is now seized of a single remaining appeal and is scheduled for formal closure at the end of 2015. The two branches of the International Residual Mechanism for Criminal Tribunals have broadened their work, assuming new functions over the last year from the international tribunals for Rwanda and the former Yugoslavia, while the Residual

Special Court for Sierra Leone successfully completed its first year of operation following closure of the Special Court for Sierra Leone.

25. The International Criminal Court remained very active. On 1 December 2014, the Appeals Chamber of the Court delivered its verdict on the appeal of Thomas Lubanga, confirming the verdict that he was guilty of the enlistment, conscription and use in hostilities of children under the age of 15. In the same case, on 3 March 2015, the Appeals Chamber delivered its decision with respect to reparations. The Appeals Chamber ordered the Trust Fund for Victims to present an implementation plan for collective reparations for victims in the Democratic Republic of the Congo. In May 2015, the United Nations filed its observations with respect to reparations in relation to the case of the *Prosecutor v. Germain Katanga*. In September 2014, the Prosecutor opened the second investigation in the Central African Republic further to a self-referral by the Government. This represents the ninth situation under investigation by the Prosecutor of the Court. In October 2014, the United Nations celebrated 10 years since the entry into force of the Relationship Agreement between the United Nations and the International Criminal Court. The first decade of cooperation between the two organizations was characterized by robust United Nations support for the Court's work as well as recognition of and respect for its independence as a separate and distinct judicial institution.

26. To strengthen protection of children from international crimes, the Office of the Special Representative of the Secretary-General for Children and Armed Conflict continues to work with the International Criminal Court to pursue accountability. The Secretary-General's reports pursuant to Security Council resolution 1612 (2005) were used by the Court for information on grave violations against children. The United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) has provided support international tribunals for Rwanda and the former Yugoslavia in undertaking legacy projects to document lessons learned on the investigation and prosecution of conflict-related sexual violence. UN-Women supported the International Criminal Tribunal for Rwanda in the development of a manual on best practices for the investigation and prosecution of sexual and gender-based violence, and a training manual to increase women's access to justice for these crimes.

27. In August 2014, the Extraordinary Chambers in the Courts of Cambodia entered convictions for crimes against humanity in its trial proceedings against Nuon Chea and Khieu Samphan, two surviving senior leaders of the Khmer Rouge, and sentenced them to life imprisonment. In the next 12 months, judgments on the appeals against conviction by Nuon Chea and Khieu Samphan are scheduled for delivery. Trial proceedings in an additional case, including genocide charges, against these two individuals are currently ongoing. In March 2015, the Extraordinary Chambers also charged an additional three individuals in the two remaining cases under judicial investigation. The United Nations Trust Fund in Support of Actions to Eliminate Violence against Women is supporting the Victims Support Section of the Extraordinary Chambers to address gender-based violence during the Khmer Rouge era.

28. The Special Tribunal for Lebanon continued the trial in absentia of five accused with respect to the attack 10 years ago against Rafik Hariri. In an unprecedented development in international criminal law, in April 2015 the Tribunal commenced the first of two contempt trials against commercial media entities.

D. Non-judicial and Security Council accountability and support mechanisms

29. Commissions of inquiry are an important mechanism to establish factual evidence on human rights violations and to promote accountability. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has seen increased demands for engagement in emergency responses, to support commissions of inquiry or to conduct investigations of allegations of serious violations of human rights and international humanitarian law in the Central African Republic, the Democratic People's Republic of Korea, Eritrea, the Syrian Arab Republic and Palestine. Pursuant to Human Rights Council resolutions, OHCHR also initiated investigations on human rights violations in Sri Lanka, Iraq and Libya, and on violations and abuses of human rights and atrocities committed by the terrorist group Boko Haram in countries affected by such acts. OHCHR continued the deployment of a human rights monitoring mission to Ukraine, which had issued eight public reports as at April 2015. UN-Women has deployed investigators of sexual and gender-based violence and/or gender advisers to all commissions established since 2009, including the African Union Commission of Inquiry for South Sudan, a fact-finding mission to Iraq, and the International Criminal Court investigations in the Democratic Republic of the Congo and Mali.

30. The Working Group of the Security Council on Children and Armed Conflict has increasingly highlighted the need to end impunity for grave violations against children and to consider a broad range of options to increase pressure on perpetrators of those violations. The Special Representative for Children and Armed Conflict engaged with sanctions committees and panels to provide information where grave violations against children are criteria for designation. She briefed the Security Council Committee established pursuant to resolution 2127 (2013) concerning the Central African Republic in May 2014; the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo in September 2014; and the Security Council Committee established pursuant to resolution 2206 (2015) concerning South Sudan in May 2015.

31. Pursuant to Security Council resolutions on conflict-related sexual violence, the Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict has obtained high-level commitments for ensuring accountability for these crimes with governments in the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Guinea, Somalia and South Sudan. The Office of the Special Representative has also engaged with Security Council sanctions committees and has proposed individuals for sanctions for their involvement in the commission of patterns of sexual violence crimes. The Office of the Special Representative has also engaged with non-State actors, including in Colombia, South Sudan and the Syrian Arab Republic, to advocate for commitments to prevent and ensure accountability for conflict-related sexual violence crimes.

III. United Nations support for the rule of law at the national level

32. United Nations assistance to strengthen the rule of law at the national level seeks to enhance, at their request, Member States' capacities and to support their

efforts in implementing international norms and standards. The rule of law provides the normative and institutional framework required to achieve justice and peace.

Prevention of conflict and the Rights up Front initiative

33. Implementation of the Secretary-General's Rights up Front initiative advanced during the year. In essence, Rights up Front repositions the United Nations system culturally, operationally and politically to take early and effective action to prevent or respond to serious violations of international human rights or humanitarian law. The initiative is contributing to a more consistent inclusion of a human rights perspective in United Nations peace and security, humanitarian and development work, and to a common understanding of the Organization's shared responsibility to prevent serious violations. The Rights up Front approach was used by the United Nations Assistance Mission for Iraq (UNAMI) and the United Nations country team in Iraq at the onset of the current crisis in June 2014. The initiative enabled the United Nations to respond swiftly and effectively to the changing situation on the ground. By involving the senior-most leadership in advocacy efforts, placing the protection of human rights at the core of United Nations strategies and action and ensuring regular monitoring and reporting on human rights and humanitarian issues as they developed, the United Nations and government and international partners were able to mount appropriate responses to the crisis as it unfolded.

34. In support of national and regional initiatives to prevent and punish genocide and other atrocity crimes, the Office of the Special Advisers on the Prevention of Genocide and the Responsibility to Protect provided assistance to 18 countries in Latin America to develop national policies. It continued to support the establishment of national preventive mechanisms in the Democratic Republic of the Congo, Uganda and the United Republic of Tanzania. In Uganda, the Office supported the development of draft legislation on the prevention of genocide, war crimes, crimes against humanity and all forms of discrimination. The Office has been working with parliamentarians from the Association of Southeast Asia Nations to develop their knowledge and enhance their responsibilities on atrocity prevention issues. The Human Rights Council, in its resolution 28/34 of 27 March 2015, encouraged Member States and regional and subregional organizations to use it for guidance in their prevention work.

Support for constitution-making

35. Legitimate national constitutions consistent with international obligations are the cornerstone of rule of law-based systems. The United Nations Democracy Fund funded a global project on knowledge-sharing for constitution-making to allow exchanges of technical expertise among South-based practitioners. The United Nations continues to provide assistance in ongoing constitutional processes in Libya, Nepal, Sierra Leone, Somalia and Yemen. To ensure compliance with the highest standards of promotion and protection of human rights, OHCHR is advising States (including Grenada, Libya, Myanmar, Thailand, Tunisia, the United Republic of Tanzania and Yemen) in the revision or development of their Constitutions. In Burkina Faso, the United Nations Development Programme (UNDP) has supported the formulation of a charter to guide the process of political transition. The Department of Peacekeeping Operations of the Secretariat provided support for constitutional review processes, including in Liberia to the Constitutional Review Committee and in Central African Republic to the Law Committee of the National Transition Council.

36. To support gender-responsive constitution-making, United Nations constitutional assistance missions systematically promote consultations and participation of women. UN-Women re-launched its gender equality constitutional data base, a repository of gender equality-related provisions contained in 198 constitutions across all regions. Alongside an Internal Guidance Note on Gender Responsive Constitution Making that was issued in 2011, the database serves as a gender equality reference tool for stakeholders in countries undergoing reforms. UN-Women was also engaged in 14 countries supporting the strengthening of constitutional recognition of gender equality, and is extending its assistance to seven more countries.

Law reform and justice systems

37. Sound normative frameworks in conformity with international human rights standards, together with independent, efficient and competent judicial systems, are at the core of rule of law-based systems. Their restoration is a priority in conflict and post-conflict assistance.

38. United Nations peace operations provide crucial support to national authorities in re-establishing or strengthening justice institutions in conflict and post-conflict situations, which is necessary to avoid a relapse into violent conflict and to promote the peaceful resolution of disputes and a secure environment. The United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA), with UNDP and donors, supported national authorities in the re-opening of seven courts and prisons in Gao and Timbuktu. MINUSMA also supported the re-deployment and training of magistrates and prison personnel to these regions, and provided technical support for the drafting of a five-year strategy for justice sector reform. The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), together with key actors, engaged in a strategic dialogue on the way forward on justice and corrections issues, to identify recommendations to develop a road map for these sectors. The United Nations Mission in Liberia (UNMIL) helped enhance judicial accountability by supporting the establishment of a court inspectorate and advising the Judicial Inquiry Commission and the Ethics and Grievance Committee.

39. Examples of United Nations assistance for legal reform include support by the United Nations Office on Drugs and Crime (UNODC) on criminal law reforms in Afghanistan, Haiti and Kyrgyzstan and criminal justice reforms in Colombia (restorative justice for children), Nigeria (judiciary reform, legal aid strategy, prosecutorial policy and code of conduct), and Tunisia (judiciary reform). UNODC currently assists over 40 countries in all regions in developing new instruments, strategies, policies and programmes for crime prevention and criminal justice reform. In Cambodia, OHCHR worked to foster cooperation among judges, prosecutors, lawyers, court clerks and prison and police officials to improve the delivery of justice; in Guatemala, its continued support for the justice sector resulted in an increased application of international human rights standards in judicial resolutions; in Mexico, it provided advice on the revision of the military justice code. The United Nations Assistance Mission in Somalia (UNSOM) is supporting the implementation of a multi-year rule of law programme, valued at US$ 60 million, which will overhaul the judicial structure to ensure access to justice. The Office of the United Nations High Commissioner for Refugees

(UNHCR) supported legislative processes in Albania, Poland, Rwanda and Tajikistan to promote compliance with international law.

Access to justice

40. Access to effective and fair justice systems is essential for addressing the underlying causes of poverty and inequality. Barriers to accessing justice remain widespread, especially for women, children, poor and marginalized groups and communities affected by displacement, violence and conflict. Efforts of United Nations entities to foster the conditions that enable access to justice include support to legal aid initiatives and education on rights and the operation of justice systems. The African Union/United Nations Hybrid Operation in Darfur (UNAMID) supported the establishment of legal aid help desks in prisons to respond to a lack of access to lawyers. In the Democratic Republic of the Congo, MONUSCO assisted the operation of mobile courts in remote areas underserved by the justice system. In Palestine, a joint UNDP and UN-Women project supported legal aid services in relation to housing, property, family violence, inheritance and other family law-related disputes. In Iraq, UNDP supported the establishment of six court-based legal aid help desks, which benefited over 6,000 people. An additional 20,000 benefited from training, workshops and awareness campaigns on rights and legal aid. In Haiti, UNDEF funded a project on adult education to promote the protection of human rights and access to justice through the judicial system. Since 2013, UNHCR has supported mobile courts in camps in Kenya, Ethiopia and Djibouti, as well as in settlements in Uganda, to allow access to justice for refugees.

Security sector reform

41. The restoration of security is usually the most urgent need in conflict and post-conflict situations. United Nations assistance aims to support the development of effective and accountable security sectors in accordance with human rights and the rule of law. In Iraq, UNAMI is supporting the development of a new legislative framework for the National Guard, and UNDP is supporting the development of a national action plan on security sector reform. In Somalia, UNSOM has initiated a public expenditure review of the security and justice sectors in partnership with the World Bank, to inform policy and operational decisions. In Madagascar, the Government launched a national security sector reform programme, after the United Nations Office to the African Union (UNOAU) participated in a mission under the African Union security sector reform capacity programme. Engagement of civil society in security sector reform is crucial to promote trust and legitimacy of institutions, which in turn facilitates effectiveness and accountability. In Liberia, UNMIL is supporting the establishment of local community security councils. In Palestine, the United Nations Office for Project Services (UNOPS) is supporting a three-year programme to improve civilian oversight of the security sector. In Guatemala, the Peacebuilding Fund supported the creation of a technological information platform to facilitate investigations and a criminal statistics and strategic analysis unit with official indicators on security, crime, violence and coexistence to inform public security policies.

Police

42. The Department of Peacekeeping Operations currently supports the deployment of more than 12,500 United Nations police officers in 18 countries who

work to strengthen policing institutions and support all rule of law mechanisms, including direct operational support to host-State police and other law enforcement agencies in maintaining basic law and order functions. The United Nations Integrated Peacebuilding Office in Guinea-Bissau and the Peacebuilding Fund supported over 1,300 police personnel with training in electoral security and crowd management. In the Central African Republic, United Nations police are working with other United Nations partners and local authorities to maintain basic law and order functions. In the Democratic Republic of the Congo, MONUSCO has worked to strengthen the capacity of the national police through co-location in the "Islands of Stability", an initiative supporting the restoration of State authority. In Kyrgyzstan, UNODC contributed to the adoption of a policy on the competitive recruitment of police officers and the development of guidelines for police performance appraisal, and in Somaliland developed an education programme for police officers. In Timor-Leste, UNDP assisted the national police in the development of a five-year sustainability plan on management and administrative functions. In Somalia, UN-Women supports gender-responsive recruitment and in Mali it is supporting the national police to ensure 24-hour access to law enforcement services by women. UNOAU is supporting the establishment of the police strategic support group, which will assist African police units deployed in peace support operations of the African Union.

Corrections

43. A comprehensive approach to the rule of law and an effective contribution to the protection of civilians, stabilization and lasting peace and security requires prison systems to function in compliance with human rights principles and to be managed in a safe and secure manner. The Department of Peacekeeping Operations continues to provide good offices, advice and support to national authorities on prison security and reforms. In Darfur, major achievements with the support of UNAMID include the adoption of the national five-year prisons strategic plan (2014-2018), which will guide the prison reform process. In the Democratic Republic of the Congo, MONUSCO assisted in the development of laws and a training curriculum as part of its ongoing support to prison reforms. UNMIL assisted the Liberian authorities in preventing Ebola in prisons and facilitated access to prisoner records, which resulted in a 27 per cent decrease in pre-trial detention. The United Nations Stabilization Mission in Haiti (MINUSTAH) provided technical support to reactivate the penitentiaries' strategic development plan. In Afghanistan, UNODC provided vocational and educational training for prisoners to foster social reintegration and in Kyrgyzstan, it provided assistance in prison health care, income-generating activities, vocational training, prison security and disciplinary measures.

44. The United Nations also continues to develop tools and training to support country-level engagements. The Department of Peacekeeping Operations is partnering with Member States to update and enhance the delivery of the corrections pre-deployment training standards for government provided personnel. UNOPS developed the *Technical Guidance for Prison Planning*, focusing on the physical infrastructure of prisons, and UNODC developed a handbook on high-risk prisoners. The Department of Peacekeeping Operations , UNODC and UNDP issued the *Prison Evaluation Checklist for Post-Conflict Settings* to be used by national and international partners in the field.

The fight against impunity and transitional justice

45. Transitions from conflict to sustainable peace and security require comprehensive approaches to address truth, justice, reconciliation and guarantees of non-recurrence. OHCHR supported justice processes in more than 25 States. It prepared commentaries to legislation in Nepal and Mali, and provided assistance to truth and reconciliation commissions in Guinea and Togo and, in partnership with UNDP, in Côte d'Ivoire and Tunisia. The focus throughout remained on ensuring the centrality of the rights of victims, and that gender considerations are taken into account. In Colombia, the United Nations facilitated participation of victims in the peace negotiations at the so-called "Havana Table".

46. Efforts to fight impunity include support from UNDP to establish an office for enhancing regional cooperation for processing of war crimes, at the request of prosecutors in Bosnia and Herzegovina, Croatia and Serbia. The regional office based in Sarajevo facilitates transfer of cases, mutual technical support and coordination with commissions for missing persons. The United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA), UNDP and UN-Women are supporting the establishment of a special criminal court with jurisdiction over serious violations of human rights and international humanitarian law committed since January 2003, including the crime of genocide, crimes against humanity and war crimes. In the Democratic Republic of the Congo, MONUSCO has been operating prosecution support cells, which provide assistance to military and civilian justice authorities in investigating and prosecuting serious conflict-related crimes. They have supported over 97 investigations of rape, murder and other violations of the laws of war, and 40 requests to organize trials by mobile courts.

47. OHCHR published a new volume of the *Rule of Law Tools for Post-Conflict States*, addressing good practices, reforms and preservation of records, including types of records pertinent to various transitional justice processes.

Statelessness

48. The right to a nationality is often fundamental to the exercise of other basic human rights. UNHCR continues to provide advice to Governments to address discrimination and gaps in nationality laws that can lead to statelessness. UNHCR launched its #IBelong global campaign to end statelessness, developed in consultation with States, civil society and international organizations. To aid the protection of stateless persons, UNHCR also issued the *Handbook on Protection of Stateless Persons*, as well as guidelines on the interpretation of international standards to avoid childhood statelessness.

49. Birth registration is a fundamental right of every child and an important way to prevent statelessness. With respect to the emergency in the Syrian Arab Republic, over 115,000 Syrian refugee children have been born in exile since the crisis began and UNHCR is working with the host Governments to ensure the registration of births. In Myanmar, UNHCR provided advice and capacity-building to the Government to address challenges related to citizenship. It has also supported Governments in Central Asia in addressing statelessness.

Refugees and internally displaced persons

50. The protection of refugees and internally displaced persons requires addressing a wide variety of needs and entails complex coordination efforts both with government authorities and with the international community, including United Nations entities. To improve the quality of asylum systems, UNHCR supported regional and national audits of programmes in Eastern Europe and the southern Caucasus, and published specific guidance for 12 countries. To support the implementation of the international refugee instruments, UNHCR provided advice for the revision of legislation on asylum (Afghanistan, Kazakhstan and Senegal) and the procedures to determine refugee status (in Venezuela, among other countries). In Ukraine and Nigeria, UNHCR is advising on a draft law on internally displaced persons and in Afghanistan it is supporting the implementation of the national policy in this regard. UNHCR and partners are also working in complex humanitarian emergencies such as in the Central African Republic, Iraq, Nigeria, South Sudan and Ukraine, where protection monitoring and advocacy have been fundamental components of inter-agency strategies to assist and protect affected populations. The United Nations Mission in South Sudan provided protection to more than 140,000 internally displaced persons, including through the Mission's police, corrections, child protection and women's protection advisers.

51. UNHCR launched and published a number of global strategies aimed at improving the conditions of refugees: *Beyond Detention 2014-2019*, a five-year initiative to support Governments to end the detention of asylum-seekers and refugees; *Policy on Alternatives to Camps*, which provides guidance on identifying alternatives to camps, while ensuring that refugees are protected and assisted effectively; *Global Strategy for Livelihoods 2014-2018*, to promote sustainability and safe self-reliance of refugees; and *Safe from the Start*, to prevent and respond to sexual and gender-based violence in humanitarian emergencies.

Gender-based violence and conflict-related sexual violence

52. The full realization of human rights is not possible unless rule of law systems are responsive to gender considerations. Comprehensive peace-building efforts to restore the rule of law require the development of specialized strategies to address gender-based discrimination and violence. United Nations strategic documents to support these efforts include an analytical study on gender-based and sexual violence in relation to transitional justice submitted by OHCHR to the Human Rights Council (A/HRC/27/21), and a guidance note of the Secretary-General on reparations for conflict-related sexual violence, developed jointly by OHCHR and UN-Women and endorsed by all Rule of Law Coordination and Resource Group members. This document has contributed to legislative revisions in Kosovo, the introduction of a specific reparations programme in the Republic of Moldova and a pilot assistance programme for victims in the Democratic Republic of the Congo. The United Nations Trust Fund in Support of Actions to Eliminate Violence against Women is supporting a project of the Women's Initiatives for Gender Justice to address violence against women in conflict, post-conflict and transitional settings in the Democratic Republic of the Congo, Libya, Sudan and Uganda. The Department of Political Affairs of the Secretariat continues to provide country-level technical support, including through the roll-out of the *Guidance for Mediators: Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements*, and training of envoys and mediators.

53. United Nations assistance to national efforts to address conflict-related sexual violence included support to a committee of national experts in Côte d'Ivoire and capacity-building initiatives and support to Iraqi victims of the Islamic State in Iraq and the Levant. The prosecution support cells supported by the Department of Peacekeeping Operations in the Democratic Republic of the Congo have assisted the investigation of 63 cases of conflict-related sexual violence, which resulted in a number of trials and convictions for serious human rights violations, including crimes against humanity. The Team of Experts on the Rule of Law and Sexual Violence in Conflict, established under the terms of Security Council resolution 1888 (2009), continued to provide technical assistance to national authorities in the Central African Republic, Colombia, Cote d'Ivoire, the Democratic Republic of the Congo, Guinea, Somalia and South Sudan. The Team of Experts focused its support on criminal investigations and prosecution, collection and preservation of evidence, military justice system investigation and prosecution, criminal and procedural law reform and protection of victims and witnesses.

54. Assistance to address other forms of gender-based violence include support extended by UN-Women to Palestine in collecting and analysing data related to women's access to justice and security institutions and training judicial officials on gender-sensitive litigation, and UNDP assistance to Iraq in the establishment of a protection network for domestic and gender-based violence and to Burundi in the provision of comprehensive assistance to victims. In Haiti, with support from MINUSTAH, a two-year sexual and gender-based violence project was completed and training has been incorporated into the national police basic training programme. UNHCR provided specialized support to over 66,000 victims of gender-based violence among Syrian refugees. UN-Women is supporting gender-sensitive initiatives such as training for justice actors in 10 countries, legal aid in nine countries and monitoring and evaluation systems in five countries. OHCHR launched a study on judicial stereotyping and is working with judicial authorities in several countries to support equal access to justice for women in gender-based violence cases. UNODC developed a situational assessment of gender-based violence in five African countries.

Protection of children

55. Efforts to ensure the protection of children are a central aspect of United Nations rule of law activities. The United Nations Children's Fund (UNICEF) supported the improvement of legal frameworks and policies in 71 countries, with significant milestones including the adoption of at least 10 progressive laws. Assistance to enhance justice for children was provided in 61 countries. In Egypt, legal representation was provided to 232 children in criminal cases and 393 children detained in connection with demonstrations. UNICEF supported the development of curricula and training in 63 countries, including the Islamic Republic of Iran where over 290 professionals and the police received technical assistance in juvenile justice. In Nicaragua, UNICEF supported community intervention plans for the prevention of violence from juvenile gangs. Data collection and evidence generation has also been supported, for example in Kyrgyzstan and the Republic of Moldova. The Department of Peacekeeping Operations continued to work with national authorities to promote juvenile-sensitive prison management practices, including physical separation from adults.

56. The campaign "Children, not Soldiers", led by the Special Representative of the Secretary-General for Children and Armed Conflict and UNICEF, is currently focusing on government forces listed in the annexes to the Secretary-General's annual report on children and armed conflict for the recruitment and use of children in armed conflict. Notable achievements of the campaign include the endorsement by the Government of Afghanistan of a road map to implement the action plan to end child recruitment and use; the release of more than 380 children by the Tatmadaw in Myanmar in 2014 and the endorsement by the Government of a road map to accelerate implementation of the action plan to end child recruitment and use; the signature by the Government of Yemen of an action plan to end the recruitment and use of children; the recommitment by the Government of South Sudan to the action plan on children associated with armed forces signed in 2012; and the appointment in the Democratic Republic of the Congo of a presidential adviser on sexual violence and child recruitment. In the latter country, MONUSCO supported national authorities to ensure accountability for the recruitment and sexual abuse of children and to ensure the protection of child victims and witnesses.

57. United Nations assistance also seeks to respond to the specific protection needs of children in particularly vulnerable situations. In the case of refugee children, UNHCR supported the registration of over 4,000 unaccompanied and separated children in countries neighbouring the Syrian Arab Republic. UNHCR conducted almost 30,000 best-interest assessments for refugee children. UNHCR and UNICEF launched the publication, *Safe and Sound: What States can do to ensure respect for the best interests of unaccompanied and separated children in Europe*.

58. UNICEF and the International Telecommunication Union released the updated *Guidelines for Industry on Child Online Protection*, aligned with the *Guiding Principles on Business and Human Rights* published by OHCHR. The guidelines outline what companies can do to respect children's safety online. UNHCR completed two studies on unaccompanied children fleeing violence in Central America and their need for international protection.

Human trafficking and the smuggling of migrants

59. The United Nations continues to provide assistance to Member States on the implementation of the Protocols to the United Nations Convention against Transnational Organized Crime on trafficking in persons and the smuggling of migrants, as well as on human rights conventions. UNHCR continues to support capacity-building and information campaigns to address the impact of human trafficking on asylum-seekers, refugees and stateless persons. In Costa Rica, Ethiopia, Panama and Sudan, it is supporting the development of national strategies against trafficking, kidnappings and smuggling of migrants. OHCHR provided assistance to Member States on the application of a human rights-based approach to addressing human trafficking. UNODC developed two issue papers on the concepts of "consent" and "exploitation" and published the *Global Report on Trafficking in Persons*, analysing patterns, flows and trends. UNODC provided technical assistance to the Governments of Djibouti, Eritrea, Ethiopia, Kenya, Somalia, Uganda and the United Republic of Tanzania to strengthen their criminal justice responses to trafficking in persons and smuggling of migrants, trafficking of drugs and wildlife crime. It supported four Southern African countries in the implementation of laws and national plans to combat human trafficking. OHCHR developed and published the *Recommended Principles and Guidelines on Human*

Rights at International Borders, which translate the international human rights framework into practical border governance measures, and organized a meeting of experts on the human rights perspective of contemporary manifestations of migrant smuggling.

60. Against the backdrop of an increasing number of irregular migrants and persons seeking protection as refugees perishing at sea, the problem of smuggling of migrants at sea and the related challenge of protection has become a particular focus of attention for the United Nations system. UNHCR developed the Global Initiative on Protection at Sea, which seeks to catalyse and support action by States, regions and other stakeholders to limit loss of life at sea. With the International Maritime Organization (IMO) and the International Chamber of Shipping, UNHCR published an updated version of *Rescue at Sea: A Guide to Principles and Practice as Applied to Refugees and Migrants*, to provide guidance to ship captains, ship owners, government agencies and others.

Transnational organized crime

61. UNODC continues to provide technical assistance to States to implement the United Nations Convention against Transnational Organized Crime in order to deal with different forms of organized and serious crime and to promote regional and international cooperation. UNODC launched its contribution to the United Nations integrated strategy for the Sahel, which aims at supporting the development of accessible, efficient and accountable criminal justice systems to combat illicit trafficking, drug trafficking, organized crime, terrorism and corruption. UNODC is implementing the National Integrated Programme for Ethiopia 2013-2016, which seeks to assist the Government in combating organized crime, and opened a new office in the United Republic of Tanzania to further support the work on transnational organized crime. In Côte d'Ivoire, Guinea-Bissau and Liberia, through the West African Coast Initiative, United Nations Police, UNODC and the International Criminal Police Organization (provided specialized training to local police and gendarmerie, including on illicit arms trafficking. In Mali, the MINUSMA police established and strengthened their transnational organized crime cell, which provides assistance through capacity-building, logistical support and training.

62. UNODC published the *2015 World Drug Report* assessing global supply and demand trends. In preparation for the special session of the General Assembly on the world drug problem, to be held in April 2016, the United Nations system task force on transnational organized crime and drug trafficking developed talking points to assist the United Nations system in coordination and messaging in relation to drug policy and the special session. Eleven United Nations entities have developed papers addressing different aspects of the world drug problem, aimed at supporting Member States' discussions.

Counter-terrorism

63. Supporting States in ensuring that their responses to terrorism and violent extremism are efficient and in full compliance with international law has been an important part of the United Nations agenda. The Counter-Terrorism Implementation Task Force, which seeks to coordinate United Nations entities' support to Member States in the implementation of the UN Global Counter-Terrorism Strategy, is currently supporting the development of regional counter-terrorism strategies in Central and Southern Africa. UNODC provided training to

3,500 criminal justice officials in the prevention and countering of terrorism. It also carried out more than 100 national, regional and international workshops. The online Counter-terrorism Learning Platform was instrumental in reaching out to more than 170 criminal justice officials from around the world.

64. The Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, with the support of its Executive Directorate, produced a number of analytical documents pursuant to Security Council resolution 2178 (2014). They addressed a preliminary analysis of gaps in Member States' capacities to stem the flow of foreign terrorist fighters (S/2014/807); challenges in prosecutions related to foreign terrorist fighters (S/2015/123); and the implementation of resolution 2178 (2014) in 21 Member States (S/2015/338).

Corruption

65. Diversion of public funds, lack of transparency and lack of accountability severely undermine the rule of law. UNODC continues to support the implementation of the United Nations Convention against Corruption. Progress was made towards completing the first cycle of the Implementation Review Mechanism with the publication of 17 additional executive summaries, while another 17 will be completed by end of June 2015. The Implementation Review Mechanism is a powerful instrument which has generated reforms, dialogue and cooperation, both domestically and internationally.

Sustainable urbanization

66. In the context of the 2016 United Nations Conference on Housing and Sustainable Urban Development, the rule of law has been placed at the centre of the new urban agenda. This is reflected in the issue papers on inclusive cities, rules and legislation and urban governance that the United Nations Human Settlements Programme (UN-Habitat) prepared with other United Nations agencies. UN-Habitat also developed a human rights handbook for its housing and slum upgrading projects, as well as introductory and advanced training materials that cut across all programme areas. At the country level, examples of rule of law approaches include support to the implementation and enforcement of legislation that promotes safety and efficiency in built structures in East Africa, Iraq, Myanmar and Somalia.

Natural resources and the environment

67. With a view to scaling up the engagement of legislators and judges in the development and implementation of normative frameworks for the protection of the environment, the United Nations Environment Programme (UNEP) made significant progress in establishing partnerships with relevant stakeholders, and was involved in convening a number of important meetings on environmental rule of law. To support the work on the linkages between the environment and human rights, UNEP published the *Compendium on Human Rights and the Environment: Selected international legal materials and cases*, aimed at highlighting good practices on using human rights commitments to inform, support and strengthen environmental policymaking. At the local level, examples of United Nations support to human rights and the environment include a project in the Democratic Republic of the Congo funded by UNDEF to protect the human rights of vulnerable communities in the exploitation of natural resources.

IV. System-wide coordination and coherence

68. The rule of law arrangements defined in September 2012 continue to provide the framework for coordination, consistency and coherence. In addition to the Rule of Law Coordination and Resource Group, a number of inter-agency working groups and task forces also foster coordination around specific issues. These include the Counter-Terrorism Implementation Task Force (which has a sub-working group on promoting and protecting human rights and the rule of law while countering terrorism), the United Nations system task force on transnational organized crime and drug trafficking, the Inter-Agency Working Group on Democracy of the Executive Committee for Peace and Security, and the inter-agency Security Sector Reform Task Force.

A. Strengthening of coordination and coherence at Headquarters

69. In response to the General Assembly's call for further opportunities for dialogue among Member States, the Rule of Law Coordination and Resource Group and the Rule of Law Unit, at the sixty-ninth session the Rule of Law Unit briefed the Sixth Committee on the Secretary-General's report on the linkages between the rule of law and peace and security, human rights and development (A/68/213/Add.1). The Rule of Law Unit and the global focal point (see para. 71 below) briefed Member States on the United Nations rule of law coordination structures and their activities. UNODC briefed Member States on its rule of law work and on the Thirteenth United Nations Crime Congress on Crime Prevention and Criminal Justice. UNEP briefed Member States on the rule of law and environmental justice, including the rule of law-related outcomes of the United Nations Environment Assembly. The Office of Legal Affairs of the Secretariat briefed Member States on its mandate and the rule of law at the international level.

70. The Rule of Law Unit facilitated the sharing of Member States' experiences in advancing specific areas of the rule of law. Together with the Permanent Missions of Afghanistan, South Africa and the United States, the Rule of Law Unit hosted an event on legal aid, aimed at discussing recent developments and sharing national experiences in enhancing access to legal aid. Together with the Permanent Missions of Singapore, Cyprus and Trinidad and Tobago, the Rule of Law Unit hosted a panel discussion on multilateral treaty-making, focused on perspectives of small States. Together with the Permanent Missions of Brazil, Côte d'Ivoire and Hungary, the Rule of Law Unit and UNICEF hosted an event to discuss good practices and lessons learned in working towards universal birth registration.

B. Headquarters support to country-level requests: global focal point

71. Since September 2012, the Department of Peacekeeping Operations and UNDP have served as the joint global focal point for the police, justice and corrections areas in the rule of law in post-conflict and other crisis situations. The global focal point arrangement is a means to ensure that the United Nations delivers coordinated and timely support to police, justice and corrections areas in post-conflict and other crisis situations through improved joint assessment, planning, programming and implementation of activities. It aims to provide national counterparts and donors with a single entry point for United Nations interventions in

these areas. The global focal point benefits from co-located partners from OHCHR and UN-Women and the engagement of other United Nations rule of law entities.

72. Since its inception, the global focal point has provided support to United Nations field actors in 19 crisis-affected situations, including those in Afghanistan, Burundi, the Central African Republic, Chad, Cote d'Ivoire, Darfur, the Democratic Republic of the Congo, Guinea, Guinea-Bissau, Haiti, Jamaica, Liberia, Libya, Mali, Sierra Leone, Somalia, South Sudan, Sri Lanka and Yemen. Between August 2014 and May 2015, the global focal point supported 14 joint visits and nine technical experts, as well as joint planning efforts in eight countries. The global focal point has also made progress in operationalizing deployment across entities, such as using the Department of Peacekeeping Operations Standing Police Capacity for non-mission settings in Chad, Mozambique, Sierra Leone and Sri Lanka. In Mali, the global focal point deployed experts from the Department of Peacekeeping Operations, UNDP, OHCHR, UN-Women and UNODC to develop a joint programme to support the reform of the criminal justice chain.

C. Country-level rule of law arrangements

73. United Nations senior-level leadership at the country level is responsible for guiding and overseeing rule of law strategies and for coordinating country support on the rule of law. There have been several recent examples of joint strategies developed with the assistance of the global focal point, such as in Mali and Darfur, which have enabled the United Nations to adopt a more unified approach in implementing activities more effectively in response to locally identified priorities. In the Central African Republic, a team comprised of MINUSCA, UNDP and UN-Women is jointly implementing a rule of law framework that has mobilized funding in excess of $20 million, to support national prosecutors and investigative judges to process cases under the urgent temporary measures mechanism, and has facilitated the holding of trials for serious offences, the first conducted in the Central African Republic since unrest started in 2011. Funds raised by the global focal point also contributed to increased community security in a number of settings, for example, through a joint project in countries affected by the Ebola crisis and by providing support to the Narcotics Brigade in Bamako.

D. Strengthening the rule of law in the Organization

74. The internal system of administration of justice is an essential component for the observance of the rule of law within the Organization and for its staff members. As at 10 July 2015, the United Nations Dispute Tribunal had issued 1,135 judgments, while the United Nations Appeals Tribunal had issued 532.

Annex

Analytical summary of the thematic debates on the rule of law held at the sixty-first to the sixty-eighth sessions of the General Assembly

A. Introduction and preparation of the analytical summary

1. This annex has been prepared pursuant to paragraph 15 of General Assembly resolution 69/123, in which the Assembly requested the Secretary-General to include in the present report an analytical summary of the thematic debates held pursuant to resolutions 61/39 of 4 December 2006, 62/70 of 6 December 2007, 63/128 of 11 December 2008, 64/116 of 16 December 2009, 65/32 of 6 December 2010, 66/102 of 9 December 2011 and 67/97 of 14 December 2012. The summary was prepared with reference to the summary records of the relevant meetings of the Sixth Committee of the General Assembly.[a]

2. By a letter dated 11 May 2006 addressed to the Secretary-General (A/61/142), the Permanent Representatives of Mexico and Liechtenstein to the United Nations requested that an item entitled "The rule of law at the national and international levels" be included in the provisional agenda of the sixty-first session of the General Assembly. The explanatory memorandum annexed to the letter noted, inter alia:

> At the 2005 World Summit, the Heads of State and Government of Member States gave strong political support for the strengthening of the rule of law worldwide. The Summit Outcome (General Assembly resolution 60/1) explicitly recognized "the need for universal adherence to and implementation of the rule of law at both the national and international levels", complemented by a number of concrete commitments aimed at strengthening the rule of law. The concept of the rule of law effectively permeates the Summit Outcome as a whole. It is considered a crucial component for the realization of a number of goals, such as sustained economic growth, sustainable development and the eradication of poverty and hunger. It is also recognized as a goal in itself, which is essential for the peaceful coexistence and cooperation among States.

3. At its 2nd plenary meeting, on 13 September 2006, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee of the General Assembly.

4. The debates held in the Sixth Committee and the resolutions adopted by the General Assembly each year since 2006 have reaffirmed the need for universal adherence to and implementation of the rule of law at both the national and international levels and the Assembly's solemn commitment to an international order based on the rule of law and international law, which, together with the principles of justice, is essential for peaceful coexistence and cooperation among States.

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[a] A/C.6/61/SR.6, A/C.6/61/SR.7, A/C.6/62/SR.14, A/C.6/62/SR.15, A/C.6/62/SR.16, A/C.6/63/SR.6, A/C.6/63/SR.7, A/C.6/63/SR.8, A/C.6/64/SR.8, A/C.6/64/SR.9, A/C.6/64/SR.10, A/C.6/65/SR.8, A/C.6/65/SR.9, A/C.6/65/SR.10, A/C.6/66/SR.5, A/C.6/66/SR.6, A/C.6/66/SR.7, A/C.6/67/SR.4, A/C.6/67/SR.5, A/C.6/67/SR.6, A/C.6/67/SR.7, A/C.6/68/SR.5, A/C.6/68/SR.6, A/C.6/68/SR.7 and A/C.6/68/SR.8.

B. Importance of and commitment to the rule of law

5. From the first debate onward, Member States expressed support for the decision to include the item "The rule of law at the national and international levels" on the agenda of the General Assembly. The fundamental importance of the rule of law has been underscored in all the debates. Member States have united in describing the rule of law as of critical importance to international order and friendly relations among States, and noted that in the 2005 World Summit Outcome, the world leaders had unanimously acknowledged its importance for peaceful coexistence and cooperation among States. A number of Member States observed that ensuring the rule of law in international relations had been the main goal of the United Nations at the time of its foundation. In the words of one Member State, "the rule of law means that a 'might is right' approach to international relations must be replaced by the force of law".

6. The rule of law offers a framework of legitimacy with which to face the most diverse global challenges. Member States have observed that the rule of law is not only vital to maintaining peace and security, but is also an essential tool in the promotion of sustainable economic growth and development and in the full realization, protection and promotion of all human rights. Rule of law has been described as the linchpin in the nexus between development and peace and security, and as essential for the full realization of human rights, as well as the advancement of democracy. Advancing the rule of law has been highlighted by the majority of Member States as contributing to safeguarding world peace, promoting development and building a harmonious world.

7. Member States also considered the rule of law as an integral part of the Charter. Delegations described the purposes and principles of the Charter as of paramount importance for peace and security, the rule of law, economic development, social progress and human rights for all, and called for Member States to renew their commitment to uphold, preserve and promote them. It was emphasized that international relations must be based on respect for the norms and principles set out in the Charter. The rule of law could not be achieved without respect for the principles of the sovereign equality of all Members of the United Nations, non-interference in internal affairs and the settlement of international disputes by peaceful means in such a manner that international peace and security and justice are not endangered.

8. In the early years of the item's consideration, a number of delegations suggested defining the concept of the "rule of law" and determining its scope, in particular at the international level. It was noted that although the concept could be interpreted in a number of different ways, a set of common principles, or main constituent elements, could at a minimum be identified. Some suggested that an exchange of views would be useful and that the General Assembly should work to agree a definition in order to promote a common understanding of the rule of law. Some Member States also highlighted the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616), which includes the Secretary-General's definition of the rule of law, as an important milestone in the area, and in particular in the later years numerous delegations expressed their agreement with the definition of the rule of law set out by the Secretary-General.

9. At its sixty-fifth session, following the fifth annual debate in the Sixth Committee and in reaffirmation of the fundamental importance accorded by Member States to the rule of law, the General Assembly decided to convene a high-level meeting on the rule of law at the national and international levels during the high-level segment of its sixty-seventh session. The high-level meeting was held on 24 September 2012 and culminated in the unanimous adoption of the declaration contained in General Assembly resolution 67/1.

10. In the debate at the sixty-seventh session, several Member States welcomed the high-level meeting and the declaration in their statements to the Sixth Committee. The declaration was said by some Member States to have put forward a comprehensive vision of the rule of law. The declaration affirmed core principles of the rule of law, inter alia, equality before the law, the right of access to justice, a commitment to human rights and fundamental freedoms for all and the fight against impunity. The declaration also reaffirmed the importance of the rule of law for the three pillars of the United Nations: peace and security, development and human rights.

11. At the sixty-eighth session it was noted by some delegations that further to the first proposal for the inclusion of the item, the declaration of the high-level meeting had provided a road map for further work on the topic. Other delegations noted that, following the adoption of the declaration, rule of law issues should remain high on the international agenda, and that the high-level meeting had affirmed the interrelationship between the rule of law and the three main pillars of the United Nations and provided a foundation on which to build global visions, norms, standards and practices relating to the rule of law. While the cross-cutting nature of the rule of law was recognized by many, several delegations also emphasized that the Sixth Committee remained the forum best suited for the General Assembly's consideration of the topic.

12. Furthermore, some delegations emphasized the need for the concrete implementation of the principles recognized in the declaration. On the occasion of the high-level meeting, numerous Member States had made voluntary pledges to strengthen the rule of law, and the pledges had been acknowledged in the declaration. The declaration also encouraged States that had not done so to consider making pledges individually or jointly, based on their national priorities, including pledges aimed at sharing knowledge, best practices and enhancing international cooperation, including regional and South-South cooperation (resolution 67/1, para. 42). In the annual debates following the high-level meeting, a number of delegations highlighted the substantive pledges made pursuant to paragraph 42 of the declaration reported on the steps undertaken to implement their pledges, welcomed the pledges made by others, and encouraged further pledging.

C. The rule of law at the international and national levels

13. In their general observations, many delegations referred to the intrinsic relationship between the rule of law at the national and international levels. The two levels were described as complementary and interdependent and it was observed that the promotion of one helped to also promote the other. Delegations stressed that in a mutually reinforcing process, the implementation of international norms and standards helped to strengthen national rule of law. It was noted that development of

the rule of law at both the international and national levels was of significance for enhancing international peace and security, development and human rights.

14. Many Member States recommended that a balanced approach be taken that considered both the national and international aspects of the rule of law, allowing them to inform and complement each other. In the later debates, several delegations reminded the Sixth Committee of the need for a balance between the national and international dimensions to be retained and expressed concern that insufficient attention was paid to the rule of law at the international level.

D. The rule of law at the international level

1. Promoting the rule of law at the international level

15. Delegations emphasized the essential role of international law and international legal instruments in international relations, and the increased scope and use of international law through treaty-based mechanisms and global institutions. Rule of law could not be achieved without respect for core principles of international law provided by the Charter of the United Nations, including the sovereign equality of States, non-interference in internal affairs, prohibition of the threat or use of force and the settlement of disputes by peaceful means. Promoting the rule of law at the international level was both the subtopic of the sixty-fourth session and a recurring theme throughout the debates.

2. The rule of law and peace and security, including the peaceful settlement of international disputes

16. The interrelationship between the rule of law and peace and security was reflected in the emphasis placed by Member States on the importance of the rule of law to peaceful relations among States. The thematic debates emphasized that the maintenance of peace and security entailed the obligation of all States to respect international law in their relations. Many delegations noted that the selective or unilateral application of international law must be avoided, and that alleged violations of international law must be addressed by peaceful means and according to the Charter, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation Among States in accordance with the Charter of the United Nations (General Assembly resolution 2625 (XXV), annex) and relevant international legal norms and principles.

17. The peaceful settlement of international disputes was the particular focus of the debate in the sixty-seventh session, in addition to being raised as a central element of the rule of law in the other sessions. Delegations emphasized the importance of the peaceful settlement of disputes under international law through the International Court of Justice, and also referred to the role of other tribunals specialized in particular branches of international law, such as the International Tribunal on the Law of the Sea. States were encouraged to use these mechanisms established under international law. Some delegations called for a wider acceptance by States of the compulsory jurisdiction of the International Court of Justice. A number of delegations also called for the General Assembly and the Security Council to make further use, when appropriate, of their right under Article 96 of the Charter to request advisory opinions on legal questions from the International Court of Justice.

18. Member States also underlined the importance of Chapter VI of the Charter, in particular Article 33, as a relatively underutilized tool in the peaceful resolution of disputes and the prevention of conflict. Other means of peaceful resolution of disputes highlighted by Member States include arbitration and the good offices of the Secretary-General.

3. International criminal law and accountability, and transitional justice in conflict and post-conflict situations

19. Delegations attached great importance to the strengthening of international criminal justice and the fight against impunity. The essential role of the International Criminal Court in this regard was noted by many delegations, as well as the International Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda, the hybrid tribunals and the Residual Mechanism. Some delegations noted the catalytic effect that the International Criminal Court could have on strengthening of domestic criminal justice systems.

20. At the sixty-sixth session, the Sixth Committee discussed the rule of law and transitional justice in conflict and post-conflict situations as its subtopic. Delegations identified the importance of transitional justice as a part of the rule of law and highlighted the issues of combating impunity and strengthening criminal justice, the role and future of national and international transitional justice and accountability mechanisms, the importance of the rights of victims, including to reparations, as well as the possibilities offered by informal justice systems. Some delegations noted the growing trend towards universal agreement on the need to combat impunity for serious crimes and the increasingly shared understanding that peace and justice were not only compatible but complementary.

21. Several Member States, some of them drawing on their national experiences, observed that transitional justice was a long-term process requiring broad reforms, including some outside of the justice sector, and emphasized the importance of the support of the international community for transitional justice processes. The work of the United Nations system in support of Member States, as well as the decision of the Human Rights Council to appoint a Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, was welcomed by a number of delegations.

4. Treaty-making and laws and practices of Member States in implementing international law

22. The vital role of the General Assembly in the codification and progressive development of international law, through the International Law Commission and multilateral treaty-making conferences, was also acknowledged throughout the years. Further, delegations attached great importance to the equal opportunity for all States to contribute to the treaty-making process.

23. Many Member States stressed that a central factor in enhancing support and respect for international law was the strengthening of a sense of ownership of universal treaties through an open and inclusive negotiating process. The United Nations should provide an arena accessible to all Member States, and all should have the opportunity and capacity to contribute meaningfully throughout the treaty-making process.

24. Many delegations emphasized that international law could not be effective without domestic implementation, and the Sixth Committee discussed the laws and practices of Member States in implementing international law as its subtopic at the sixty-fifth session of the General Assembly. Member States noted that the key to achieving collective goals is to ensure the coherent and effective implementation of international obligations at the national level. Delegations clearly articulated the need for assistance in strengthening States' capacity for the implementation of international norms and standards at the national level. This included encouraging the United Nations to take further action to identify obstacles to the domestication of international law in national systems and to take action in support of overcoming them. The sharing of experiences and approaches, model laws, peer reviews, treaty-based periodic reviews, other monitoring and review mechanisms and targeted capacity-building and technical assistance were also identified as useful tools. The importance of strengthening national judiciary capacity in order to ensure a more lasting and effective solution to new challenges was stressed.

25. Some delegations welcomed the contribution of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law in strengthening the rule of law at the international level and in particular in later years called for the programme to be adequately resourced. The role of the United Nations Audiovisual Library of International Law in the education and dissemination of international law was also emphasized.

E. The rule of law at the national level

1. United Nations support for the rule of law at the national level

26. Member States consistently recognized the intrinsic relationship between the rule of law at the international and national levels and welcomed the Organization's efforts to promote the rule of law at the national level, emphasizing the importance of the rule of law for sustainable development, conflict prevention, post-conflict reconstruction and the full realization of human rights.

2. Rule of law and human rights

27. Throughout the debates, human rights was described by many delegations as essential to the rule of law. Recognizing the interconnectedness of the international and national levels of the rule of law, Member States repeatedly reaffirmed that the implementation of international human rights standards was interdependent and mutually reinforcing with the rule of law and the advancement of democracy at the national level. The rule of law was described as fostering conditions conducive to democratic governance, such as accountability, transparency and full respect for human rights.

28. Member States emphasized their obligation of ensuring universal respect for and the protection and promotion of all human rights in keeping with the Charter of the United Nations, the Universal Declaration of Human Rights and other international law instruments, including in particular human rights law and international humanitarian law. Member States noted elements of the rule of law of particular importance to the protection and promotion of human rights, such as judicial independence, fair trial standards, addressing impunity and ensuring

accountability at all levels. In their statements throughout the years, several Member States discussed the reforms and changes undertaken to bring their national systems closer in line with the international standards.

3. Rule of law and development

29. Member States reaffirmed the rule of law as an effective tool for promoting sustainable development. They noted the strong interrelationship between the rule of law at the national and international levels and the achievement of inclusive economic growth, sustainable development, the eradication of poverty and hunger and the full realization of all human rights. Some delegations cited the rule of law as an engine for progress in all countries, regardless of their level of development. The rule of law was described as significant to development across diverse subject areas, including environmental issues, financial crises, food security, climate change, forced displacement and counter-terrorism. Some felt it was essential for the achievement of the Millennium Development Goals and should be the centrepiece of the new development agenda. A number of States also emphasized the legal empowerment of the poor as an effective tool in the eradication of poverty.

30. A number of delegations stressed the importance of international law to development, especially as the scope and reach of international law continued to increase. The harmonization of trade law and the regulation and management of natural resources were cited as areas of interest in this regard.

31. Some Member States noted the harmful effects of sanctions on development and argued that their unilateral nature contravened the rule of law. In the later years in particular, some Member States called for reforms in the international financial institutions as part of the efforts to provide conditions conducive to development through strengthening the rule of law at the international level.

4. National ownership and sharing of national experiences

32. Member States were proactive in sharing their experiences in rule of law, and some delegations suggested the collection and sharing of best practices. It was repeatedly pointed out that there was no one-size-fits all approach in assisting States to restore or strengthen the rule of law in their territories and that the imposition of pre-established models should be avoided. Development of the rule of law in a given country was by nature a sovereign matter and the focus should be on national ownership. Some delegations emphasized that the rule of law must be predicated on national needs and aspirations and not imposed from the outside. Account should be taken of the history, customs, different legal systems and the political and socio-economic features of each country.

33. Member States welcomed and supported the Secretary-General's view that national perspectives should be at the centre of United Nations rule of law assistance. It was stated that the international community must not supplant national authorities in their task of establishing or strengthening the rule of law, but rather provide any assistance they might require. Some Member States emphasized that cooperation should only be extended at the request of a Government, reflecting the established principle that assistance is provided by the United Nations development system at the request of Member States and on the basis of their national priorities.

F. The rule of law and the United Nations

34. With respect to the rule of law within the United Nations, Member States strongly emphasized the importance of the Organization adhering to the rule of law in all its institutions and practices. An effective, multilateral system must be based on clear, transparent rules that apply equally to all players. It was stated that the United Nations had little credibility if it failed to follow international law and to respect the authority of the Charter. Concern was expressed about the gap between the Organization's role as a legislative forum and its application of relevant rules of international law. Member States focused on a number of different aspects of the rule of law within the United Nations.

35. Many delegations underlined the need to fully respect the functions and powers of all the principal organs of the United Nations, in particular the General Assembly, and to maintain the balance among them. Close cooperation and coordination among all the principal organs was essential. There was concern from some delegations that the Security Council was encroaching upon the functions and powers of the General Assembly and the Economic and Social Council by taking up issues within the competence of those two organs. Some delegations felt it was necessary to reform the United Nations system in order to better balance the powers and responsibilities of the General Assembly and the Security Council and to ensure more equitable representation among Member States.

36. Member States also spoke in support of reform of the internal system of administration of justice in the United Nations and better enforcement of rule of law standards in peacekeeping missions, connecting to the wider rule of law issues under detailed consideration elsewhere in the Assembly. At the sixty-sixth session, delegations welcomed the new system of administration of justice and supported initiatives to hold United Nations personnel accountable for misconduct while deployed on mission.

37. Many Member States attached importance to the need to guarantee due process in relation to Security Council sanctions regimes. While recognizing the efforts of the Security Council to improve the fairness of sanctions procedures over time, some delegations stressed the need for further progress in that regard. The appointment of an Ombudsperson to assist the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities was welcomed. At the sixty-seventh session, some States observed that the outcome document of the high-level meeting of the General Assembly on the rule of law at the national and international levels recognized that the United Nations needed to measure up fully to its own due process standards. The gains that had been made in recent years should be extended to all affected individuals.

G. Support of the United Nations system for the rule of law

38. Delegations highlighted the central role of the United Nations and expressed their appreciation for the work of the Rule of Law Coordination and Resource Group, supported by the Rule of Law Unit, in contributing to the advancement of the rule of law, coordinating United Nations rule of law activities and improving technical assistance in the rule of law through the development of common policies

and strategies. The issuance of a guidance note by the Secretary-General in May 2011 on the United Nations approach to rule of law assistance at the international level was welcomed.

39. In later years, many Member States called for greater coordination among entities of the United Nations system engaged in support for strengthening the rule of law, as well as coordination among non-United Nations actors, including donors and recipients. Delegations also called for the further exchange of information about the work of the United Nations system in the area of the rule of law. A number of tasks were suggested for the Rule of Law Coordination and Resource Group, supported by the Rule of Law Unit, including promoting coherence among donors, recipients and others involved in financing rule of law activities, including by strengthening international capacity for coordination; supporting the sharing of knowledge on rule of law both within the Organization and between Member States; developing common policies and strategies in the rule of law for the United Nations system; supporting the coordination of activities in the rule of law of the United Nations system, including by way of a joint strategic plan; and supporting the exchange of information on the rule of law between actors at the national and international levels.

H. Further areas for consideration

40. Highlighting the importance of the rule of law for virtually all areas of the work of the United Nations across its three pillars of peace and security, development and human rights, delegations took the opportunity throughout the thematic debates on the rule of law to make suggestions as to specific, and in some cases newly emerging, areas in the rule of law for the Assembly's consideration. These included access to justice, in particular for vulnerable groups; gender justice; the fight against corruption; constitutional law; the role of the International Law Commission; extractive industries and natural resources; wildlife trafficking; environmental justice; human trafficking; transnational organized crime; counter-terrorism; the relationship between the rule of law and sustainable development; accountability for the most serious crimes; statelessness; freedom of expression; and cybercrime. Some of these issues are already under consideration under their dedicated agenda items in the General Assembly or other main or subsidiary bodies of the United Nations, while others could be interesting areas for future consideration under the item of the rule of law at the national and international levels.